

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GINTER LOGISTICS SERVICE CO, LTD,

Plaintiff,

CIVIL ACTION NO.:07 CIV 8677

vs.

ACH FREIGHT FORWARDING, INC., JMIN  
ZHOU a/k/a JIMMY ZHOU, XIAO JI HE d/b/a  
PACIFIC JIN AN TRADING, INC. and XIN  
MIAO, INC.

**ANSWER TO VERIFIED  
COMPLAINT  
(JURY TRIAL DEMANDED)**

Defendants.  
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Defendant, Xiao Ji He d/b/a Pacific Jin An Trading, Inc. (hereinafter referred to as  
“Defendant Pacific”), by its attorneys, Kevin Kerveng Tung, P.C., for its Answer to the  
Verified Complaint, respectfully alleges as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “1” of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “2” of the complaint and respectfully refer the court to the statute cited for a complete and accurate statement of its contents.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “3” of the complaint and respectfully refer the court to the statute cited for a complete and accurate statement of its contents.
4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “4” of the complaint.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “5” of the complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “6” of the complaint.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the complaint, except admit that Xiao Ji He is an individual having a place of business at 110-90 Dunkirk Street, 1<sup>st</sup> Floor, Jamaica, NY 11412.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “8” of the complaint.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the complaint.

10. Deny the truth of each and every allegations contained in paragraph “10” of the complaint, except as otherwise pleaded herein.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the complaint.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the complaint.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the complaint.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “15” of the complaint.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “16” of the complaint.

17. Deny the truth of the allegations contained in paragraph “17” of the complaint.

18. Deny the truth of each and every allegations contained in paragraph “18” of the complaint, except as otherwise pleaded herein.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “19” of the complaint.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “20” of the complaint.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “21” of the complaint.

22. Deny the truth of the allegations contained in paragraph “22” of the complaint.

23. Deny the truth of each and every allegations contained in paragraph “23” of the complaint, except as otherwise pleaded herein.

24. Deny the truth of the allegations contained in paragraph “24” of the complaint.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the complaint.

26. Deny the truth of each and every allegations contained in paragraph “26” of the complaint, except as otherwise pleaded herein.

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “27” of the complaint.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “28” of the complaint and respectfully refer the court to the statute cited for a complete and accurate statement of its contents.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “29” of the complaint.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “30” of the complaint.

31. Deny the truth of the allegations contained in paragraph “31” of the complaint.

32. Deny the truth of the allegations contained in paragraph “32” of the complaint.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33” of the complaint.

34. Deny the truth of each and every allegations contained in paragraph “34” of the complaint, except as otherwise pleaded herein.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “35” of the complaint.

36. Deny the truth of the allegations contained in paragraph “36” of the complaint.

37. Deny the truth of the allegations contained in paragraph “37” of the complaint.

38. Deny the truth of the allegations contained in paragraph “38” of the complaint.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “39” of the complaint.

40. Deny the truth of each and every allegations contained in paragraph “40” of the complaint, except as otherwise pleaded herein.

41. Deny the truth of the allegations contained in paragraph “41” of the complaint.

42. Deny the truth of the allegations contained in paragraph “42” of the complaint.

43. Deny the truth of the allegations contained in paragraph “43” of the complaint.

44. Deny the truth of the allegations contained in paragraph “44” of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE  
DEFENDANT PACIFIC ALLEGES:**

45. Plaintiff failed to state a cause of action against Defendant Pacific.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE  
DEFENDANT PACIFIC ALLEGES:**

46. There was no contract ever formed, actual or implied, between Defendant Pacific and Plaintiff.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE  
DEFENDANT PACIFIC ALLEGES:**

47. Plaintiff did not ship the subject merchandises to Defendant Pacific and Defendant Pacific never received the subject merchandises.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE  
DEFENDANT PACIFIC ALLEGES:**

48. Defendant Pacific was not acting in concert with any of the other defendants in this action. Therefore, Defendant Pacific should not be liable for the conducts of any other defendants in this action.

**AS AND FOR A FIRST COUNTERCLAIM  
BREACH OF CONTRACT**

49. Defendant Pacific placed an order for goods to be delivered to New York from China Furniture Co., Ltd. (hereinafter referred to as “Manufacturer”), which has a place of business at 6/F., China Arts and Crafts Building 103, Jixiangli, Chaoyangmenwai, Beijing 100020 China.

50. Upon information and relief, Plaintiff was an agent for Manufacturer to deliver the above mentioned goods, part of which is the subject of this action, to Defendant Pacific.

51. As of today, Defendant Pacific has never received anything from Plaintiff.

52. Therefore, Defendant Pacific sustained damages in an amount to be determined by this Court, but no less than \$300,000.00.

**WHEREFORE**, Defendant Pacific respectfully request a judgment

- a. dismissing the complaint against Defendant Pacific;
- b. denying all the relieves sought therein against Defendant Pacific;
- c. awarding damages, in an amount to be determined on Defendant Pacific's counterclaim, but no less than \$300,000.00, together with reasonable attorney fees and costs as such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY**

Defendants hereby demand a jury as to any issue so triable.

Dated: November 5, 2007  
New York, New York

Respectfully submitted,  
  
KEVIN KERVENG TUNG, P.C.  
Attorneys for Defendant  
Xiao Ji He d/b/a Pacific Jin An Trading, Inc.

By: /s/ Kevin K. Tung  
Kevin K. Tung (KT 1478)  
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To: Yuan Zheng, Esq.  
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Attorneys for Plaintiff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of November, 2007, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which will send notification and delivery of such filing to registered participants for the litigation in which this document has been filed.

KEVIN KERVENG TUNG, P.C.  
Attorneys for Defendant  
Xiao Ji He d/b/a Pacific Jin An Trading, Inc.

By: /s/ Kevin K. Tung  
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